BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

	August	6, 2003		
RE:)		
IENDMENT TO INTERCO	ONNECTION))	DOCKET NO.	
REEMENT NEGOTIATE	D BETWEEN)	03-00356	
FIZENS TELECOMMUNI	CATIONS)		
MPANY OF TENNESSEE	L, LLC D/B/A)		
ONTIER COMMUNICATI	IONS OF)		
NNESSEE, LLC AND NTC	CH-WEST	· · · · · · · · · · · · · · · · · · ·		
NN, INC.)		
FIZENS TELECOMMUNION OF TENNESSEE ONTIER COMMUNICATION OF TENNESSEE, LLC AND NTO	CATIONS L, LLC D/B/A IONS OF)		

ORDER APPROVING SECOND AMENDMENT TO INTERCONNECTION AND TRAFFIC INTERCHANGE AGREEMENT

This matter came before Director Pat Miller, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 21, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the second amendment to the interconnection and traffic interchange agreement for the provision of cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC and NTCH-WEST TENN, Inc.

The original interconnection and traffic interchange agreement between these parties was filed on March 7, 2002, and was assigned Docket No. 02-00237. The first amendment was filed in Docket No. 02-00237 on May 20, 2002. Both filings were approved at a regularly scheduled Authority Conference on May 21, 2002. The second amendment, which is the subject of this docket, was filed on May 20, 2003.

¹ The first amendment reflected the change of Citizens Telecommunications Company of Tennessee, LLC d/b/a Citizens Communications of Tennessee to Citizens Telecommunications Company of Tennessee d/b/a Frontier Communications of Tennessee. The instant Petition refers to the company as Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC.

Based upon a review of the second amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity." Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d). Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
 - 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

² See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the second amendment to the interconnection and traffic interchange agreement for the provision of cellular and other 2-way mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC and NTCH-WEST TENN, Inc. is approved and is subject to the review of the Authority as provided herein.

Pat Miller, Director

Sara Kyle, Director

Ron Jones, Director